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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,729	06/18/2001	Oliver Rottcher	01-376	2466
25227	7590	10/31/2006	EXAMINER	
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			CRUZ, MAGDA	
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/883,729	Applicant(s) ROTTCHER, OLIVER	
	Examiner Magda Cruz	Art Unit 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 57-76 is/are pending in the application.
- 4a) Of the above claim(s) 57, 58, 61-73, 75 and 76 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 59, 60 and 74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Species II in the reply filed on 09/22/2006 is acknowledged. The traversal is on the grounds that: (1) new claims 57-76 include limitations previously indicated as allowable; (2) all of the embodiments describe a single inventive concept; and (3) the Action failed to explain how and why the inventions of the identified Species is separately classified for search. This is not found persuasive because:

- a. First, said new claims are subject to an updated search, as required by the RCE filed on 05/24/2006.
- b. Second, all the embodiments describe an inventive concept that is represented by different species, as previously indicated in the Requirement for Election of Species filed on 08/03/2006.
- c. Third, the examiner respectfully disagrees with the Applicant's representative third argument. The examiner did not identify the classification of each Species, since it is not required for an "Election of Species" to do so. However, the examiner would like to identify one example about why the election of Species is proper. Species I discloses a mirror wherein the display comprises a hologram, however, Species II-VIII do not mention a hologram as being part or a component of the display; therefore, it renders to a different Species.

Furthermore, Species I requires the search for a hologram, which would not be required for Species II-VIII.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 57-58, 61-73 and 75-76 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the election requirement in the reply filed on 09/22/2006.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 59-60 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michalke in view of DeLine et al.

Michalke (DE 299 16 732 U1) discloses a mirror (Figure 2, element 2) comprising a reflective surface (Figure 2, element 4), a non-reflective portion (Figure 2, element 5) provided within the reflective surface as an information provider (Figure 2, element 6), wherein at least a portion of the mirror surface is transparent for seeing therethrough (translation; page 4, line 16) and is backed by a display (Figure 2, element 2') provided with a moving image (translation; page 5, lines 18-25), whereby the display is provided

with an interchangeable item of information (translation; page 5, lines 2-4), connected to an input device (Figure 2, element 10).

Michalke teaches the salient features of the present invention as explained above, except a loudspeaker is connected to the display.

DeLine et al. (US Patent Number 6,172,613 B1) disclose a loudspeaker is connected to a mirror display (column 26, lines 5-6 and 8-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a loudspeaker is connected to the display as shown by DeLine et al. in combination with Michalke's invention for the purpose of providing an audible signal to the user (DeLine et al., column 5, lines 35-38).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Magda Cruz whose telephone number is (571) 272-2114. The examiner can normally be reached on Monday through Thursday 8:00-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diane Lee can be reached on (571) 272-2399. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Art Unit: 2851

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



William Perkey
Primary Examiner

Magda Cruz
Patent Examiner

October 24, 2006